

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of committee amendments.

SPEAKER NICHOL: The committee amendments are adopted. Senator Vickers.

SENATOR VICKERS: Mr. President and members, LB 350 is a bill designed to make it a little bit easier for the utility companies to bring civil penalties, and I stress the word "civil" penalties, against those people who through actions that they may take would divert the utility around or by the meter that was designed to meter the utility and that utility would be water, gas or electricity which would cause the rest of the people of course, the users of the electricity or water or gas, to pay for the differences. One of the main portions of the bill is that it applies also in subsection 1 of Section 1 on lines 10 and 11 on page 2, to those instances where they would be limiting the amount of electricity, gas or water consumed because of the high uses of electricity, especially electricity, in rural Nebraska for irrigation. There have been a number of the public power districts and cooperatives that have instigated load control devices which in essence gives an individual or a user a cheaper rate if they will agree to use their electricity or run their irrigation well at a certain time of the day or certain days of the week. Under the current statutes if somebody should figure out a way to alleviate or go around that device and use electricity at the time when they are not supposed to be using it there would be, that technically would not be illegal because it was still being metered. Yet if they are doing that it could cause a drastic increase in the cost to the district or the cooperative because it would increase their ratchet charge perhaps which could cost them thousands of dollars for the whole year. The purpose of this language in there is to make it clear that circumventing load control devices would be just as illegal as circumventing a meter to start with. The other parts of the bill deal with, at the present time under the statutes a utility has to catch the person putting the device on, in the act practically. This would give them the ability to bring charges against an individual if they found a meter that had been tampered with. It would also be a rebuttable presumption that that person who was responsible for paying that bill had, in fact, been the one that tampered with the meter. That rebuttable presumption of course, as I understand it, would be able to be argued in court as to whether or not that actually took place. It also gives the utility the ability to charge a, as Senator Schmit pointed out with the committee